

1 Joshua Briones (SBN 205293)
jbriones@mintz.com
2 Nicole V. Ozeran (SBN 302321)
nvozeran@mintz.com
3 MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO P.C.
2029 Century Park East, Suite 3100
4 Los Angeles, CA 90067
Telephone: 310-586-3200
5 Facsimile: 310-586-3202
6 Attorneys for Defendant
YELP INC.
7

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 JONATHAN SAPAN, individually and on
11 Behalf of others similarly situated,

12 Plaintiff,

13 vs.

14 YELP INC. a Delaware Corporation,

15 Defendants.

Case No.: 3:17-cv-03240-JD

**DEFENDANT'S JOINT STATEMENT RE
STATUS OF DISCOVERY
PROCEEDINGS**

Judge: Hon. James Donato

Dept: 11

Complaint Filed: June 6, 2017

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17 Pursuant to the Court's July 26, 2018 Minute Order, Defendant Yelp Inc. ("Yelp") and
18 Plaintiff Jonathan Sapan ("Plaintiff") respectfully submit this Joint Statement regarding the status of
19 discovery proceedings.

20 **I. IN-PERSON MEET AND CONFER**

21 Pursuant to the Court's Order on July 26, 2018, on August 1, 2018, counsel for Plaintiff and
22 counsel for Yelp (collectively, the "Parties") met and conferred in-person in Los Angeles,
23 California.

24 **II. MUTUALLY AGREED UPON DISCOVERY PLAN**

25 The Parties reached the following agreement:

- 26 • Yelp has agreed to produce the list of the names of businesses currently on its
27 internal do not call list that were added to that list by Yelp's since January 1,
28 2017 ("Yelp's Internal List"). Yelp's Internal List will be produced pursuant

to the Parties' Stipulated Protective Order (ECF # 62) and will be marked Confidential;

- Any phone numbers for the businesses listed on Yelp's Internal List would be publicly available on the businesses' Yelp pages, Yelp's Internal List is associated with specific businesses, and not any particular phone numbers;
- Plaintiff will run the publicly available phone numbers for the businesses on Yelp's Internal List against the National Do Not Call Registry.
- Parties will meet and confer regarding any additional discovery requests propounded by Plaintiff.

III. AN ADDITIONAL INFORMAL DISCOVERY CONFERENCE IS NOT NECESSARY AT THIS TIME

The Parties are diligently working to resolve the pending discovery dispute. The Parties do not necessitate an additional Informal Discovery Conference concerning this dispute at this time.

Dated: August 9, 2018

Respectfully submitted,

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO P.C.

/s/ Nicole V. Ozeran

By: Joshua Briones
Nicole V. Ozeran
Attorneys for Defendant
YELP INC.

Dated: August 9, 2018

Respectfully submitted,

PRATO & REICHMAN

/s/ Justin Prato

By: Justin Prato

Attorneys for Plaintiff
Jonathan Sapan

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I filed the foregoing, electronically on August 9, 2018, with the Clerk of the United States District Court in the CM/ECF system, which will serve a notice of the filing upon all counsel or parties of record listed below:

DEFENDANT'S JOINT STATEMENT RE STATUS OF DISCOVERY PROCEEDINGS

Justin M. Prato jmprato@gmail.com	<i>Attorneys for Plaintiff</i>
Christopher James Reichman chrisr@prato-reichman.com	

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 9, 2018 at Los Angeles, California.



Nanette Leali